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Docket No.: 236088US6PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/720,523
Applicants: Rudolf RITTER
Filing Date: May 2, 2001
For: METHOD FOR OFFERING, ORDERING AND
SELLING GOODS AND SERVICES
Group Art Unit: 3625
Examiner: NGUYEN, Cuong H.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 236088US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
RUDOLF RITTER : EXAMINER: NGUYEN, CUONG H.
SERIAL NO: 09/720,523 :
FILED: MAY 2, 2001 : GROUP ART UNIT: 3625
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RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action mailed March 24, 2004, Applicants provisionally elect, *with traverse*, claims 20-31 (group "II" in the Office Action) for further examination on the merits in the present application. Applicants respectfully traverse the Restriction requirement for the following reasons.

Number paragraph 3 of the Office Action quotes MPEP §806.05(e), which sets forth the standard for determining if a process and an apparatus for its practice can be shown as distinct inventions. This portion of the Office Action states that "[i]nventions of a system of a database and items to be tracked and a method of ordering and quoting cost over the Internet are related as process and apparatus for its practice." However, Applicant respectfully submits that MPEP §806.05(e) is not relevant to the pending claims. That is, pending claims 1-31 include only two independent claims, claims 1 and 20, both of which are directed to methods. Claim 1 is directed to an order method, and claim 20 is directed to a sales method. Neither of these claims is an apparatus claim. Therefore, the test of MPEP §806.05(e) does not apply to the pending claims.

Further, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Restriction requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Accordingly, an action on all pending claims is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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